

## CHAPTER 111

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**NATURAL RESOURCES**

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**SENATE BILL 95-044**

BY SENATORS Wattenberg and Bishop;  
also REPRESENTATIVES Entz, Chlouber, George, Prinster, Schwarz, and Taylor.

**AN ACT**

**CONCERNING ADMINISTRATION OF THE RECREATIONAL TRAILS SYSTEM BY THE BOARD OF PARKS AND OUTDOOR RECREATION, AND, IN CONNECTION THEREWITH, ADDING A MEMBER TO THE COLORADO RECREATIONAL TRAILS COMMITTEE, AND AMENDING RECREATIONAL TRAIL FUNDING AUTHORITY, SNOWMOBILE PROVISIONS, AND OFF-HIGHWAY VEHICLE PROVISIONS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 33-10-104 (2), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**33-10-104. Board composition - jurisdiction.** (2) All board members shall serve for four-year terms. ~~No person shall be eligible for appointment to the board after having served two four-year terms.~~ Vacancies on the board shall be filled for the unexpired term by the governor, with the consent of the senate.

**SECTION 2.** 33-11-105 (1), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**33-11-105. Recreational trails committee - sunset review.** (1) There is hereby created the Colorado recreational trails committee, which shall be advisory and shall consist of ~~seven~~ EIGHT members to be appointed by the board. Members shall be appointed for terms of four years. No member shall serve more than two consecutive terms. One member shall be appointed from each congressional district, and ~~one member~~ TWO MEMBERS shall be appointed from the state at large. The committee shall include in its membership representation of the broad spectrum of trail users. Vacancies on the committee shall be filled for the unexpired term by the board.

**SECTION 3.** 33-11-107, Colorado Revised Statutes, 1984 Repl. Vol., is amended

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

to read:

**33-11-107. Availability of funds.** The board is authorized to make funds, appropriated by the general assembly for the purposes of this article, available to local governments AND NONPROFIT ORGANIZATIONS in accordance with criteria developed by the committee and adopted by the board. The committee shall advise the board of its recommendations for the allocation of such funds among participating local governments AND NONPROFIT ORGANIZATIONS.

**SECTION 4.** The introductory portion to 33-12-102 (1.2), 33-12-102 (1.2) (i) and (1.2) (l), the introductory portion to 33-12-102 (1.3), and 33-12-102 (1.3) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

**33-12-102. Types of passes and registrations - fees.** (1.2) ~~Effective January 1, 1990,~~ The fees for the types of passes and registrations to be issued by the division, unless the board establishes a lesser fee pursuant to section 33-10-107 (1) (h), are as follows:

(i) Snowmobile registration (including annual resident registration ~~ten-day nonresident registration,~~ and each rental snowmobile) . . . . . ~~\$ 10.00~~ \$ 15.00

(l) Nonresident annual snowmobile registration ~~for a person from a state or country where registration is not required~~ . . . . . ~~\$ 30.00~~ \$ 15.00

(1.3) ~~Effective April 1, 1990,~~ The fees for the types of passes and registrations to be issued by the division, unless the board establishes a lesser fee pursuant to section 33-10-107 (1) (h), are as follows:

(a) Off-highway vehicle registration . . . . . ~~\$ 12.00~~ \$ 15.00

**SECTION 5.** 33-14-102 (1) (b), (2) (a), (2) (b), (7), and (9), Colorado Revised Statutes, 1984 Repl. Vol., are amended to read:

**33-14-102. Snowmobile registration - fees - applications - requirements - penalties - exemptions.** (1) (b) The division shall employ snowmobile agents, including dealers and licensing agents serving as such for the division of wildlife, for snowmobile registration pursuant to the provisions of section 33-12-104. Such agents shall take the registration application and issue a temporary registration and shall forward the application to the division, which shall issue the registration. Snowmobile dealers employed as licensing agents for snowmobile registration shall be authorized to issue ~~special and~~ annual ~~special~~ registrations and shall retain a commission of up to one dollar, as authorized by the division, for each registration ~~or special registration~~ issued.

(2) (a) Every dealer shall require a ~~registration application for each~~ PURCHASER OF A new or used snowmobile sold at retail from ~~his~~ THE DEALER'S inventory TO COMPLETE A REGISTRATION APPLICATION AND PAY THE REGISTRATION FEE BEFORE THE SNOWMOBILE LEAVES THE DEALER'S PREMISES, except for those snowmobiles purchased for use exclusively outside of this state. ANY DEALER WHO DOES NOT COMPLY WITH THIS PARAGRAPH (a) IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF FIFTY DOLLARS.

(b) ~~The owner of each snowmobile requiring registration under this section shall present to the division an application for registration on a form prepared and furnished by the division for that purpose. The application shall be accompanied by a dated bill of sale as evidence of ownership on all snowmobiles purchased after July 1, 1976.~~

(7) ~~A special registration to operate a snowmobile in Colorado for a limited period of time, not to exceed ten days, is required for snowmobiles owned by persons from a state or country where registration is not required. In lieu thereof, an annual special registration may be issued to such a nonresident owner for the operation of a snowmobile during any year beginning October 1 and ending September 30. Applications for such registrations shall contain such information as the division may require. The fee for such a special registration shall be as specified in section 33-12-102.~~

(9) Any person who ~~violates paragraph (a) of subsection (1)~~ OPERATES A SNOWMOBILE IN VIOLATION of this section is guilty of a ~~misdemeanor~~ CLASS 2 PETTY OFFENSE and, upon conviction thereof, shall be punished by a fine of ~~twenty-five THIRTY-FIVE~~ THIRTY-FIVE dollars.

**SECTION 6.** 33-14-115 (1) and (4), Colorado Revised Statutes, 1984 Repl. Vol., are amended to read:

**33-14-115. Notice of accident.** (1) The operator of a snowmobile involved in an accident resulting in PROPERTY DAMAGE OF FIFTEEN HUNDRED DOLLARS OR MORE OR INJURIES RESULTING IN HOSPITALIZATION OR death, ~~personal injury, or damage to property~~; or some person acting for ~~him~~ THE OPERATOR, or the owner of the snowmobile having knowledge of the accident shall immediately, by the quickest available means of communication, notify an officer of the Colorado state patrol, the sheriff's office of the county wherein the accident occurred, or the office of the police department of the municipality wherein the accident occurred.

(4) Any person who violates subsection (1) or (3) of this section is guilty of a ~~misdemeanor~~ CLASS 2 PETTY OFFENSE and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

**SECTION 7.** 33-14.5-101 (4), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**33-14.5-101. Definitions.** As used in this article, unless the context otherwise requires:

(4) "Off-highway vehicle route" means any road, trail, or way owned or managed by the state ~~or~~ OR ANY AGENCY OR political subdivision thereof or the United States ~~which route is designated as open~~ for off-highway vehicle travel.

**SECTION 8.** 33-14.5-102 (6) (b) and (7), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended, and the said 33-14.5-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**33-14.5-102. Off-highway vehicle registration - fees - applications -**

**requirements - exemptions.** (6) No registration under this article is required for any:

(b) Off-highway vehicle owned by a resident of another state or country IF SUCH OFF-HIGHWAY VEHICLE IS COVERED BY A VALID LICENSE OR REGISTRATION OF SUCH OTHER STATE OR COUNTRY AND SUCH OFF-HIGHWAY VEHICLE HAS NOT BEEN WITHIN THIS STATE FOR MORE THAN THIRTY CONSECUTIVE DAYS;

(7) Any person who operates an off-highway vehicle in violation of this section is guilty of a ~~misdemeanor~~ CLASS 2 PETTY OFFENSE and, upon conviction thereof, shall be punished by a fine of ~~twenty-five~~ THIRTY-FIVE dollars.

(8) ANY DEALER WHO DOES NOT COMPLY WITH PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF FIFTY DOLLARS.

**SECTION 9.** 33-14.5-108 (1) (a) and (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended, and the said 33-14.5-108 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**33-14.5-108. Off-highway vehicle operation prohibited on streets, roads, and highways.** (1) No off-highway vehicle may be operated on the public streets, roads, or highways of this state except in the following cases:

(a) When ~~the~~ A street, road, or highway is designated open by the state ~~the United States~~ or any agency OR POLITICAL SUBDIVISION thereof;

(h) (I) WHEN THE UNITED STATES OR ANY AGENCY THEREOF AUTHORIZES BY ANY MEANS SUCH OPERATION ON LANDS UNDER ITS JURISDICTION.

(II) NO ACTION IS REQUIRED TO BE TAKEN BY THE UNITED STATES PURSUANT TO THIS PARAGRAPH (h) TO AUTHORIZE THE USE OF OFF-HIGHWAY VEHICLES ON LANDS UNDER THE JURISDICTION OF THE UNITED STATES.

(2) Any person who violates subsection (1) of this section is guilty of a ~~misdemeanor~~ CLASS 2 PETTY OFFENSE and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

**SECTION 10.** Article 14.5 of title 33, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**33-14.5-113. Notice of accident.** (1) THE OPERATOR OF AN OFF-HIGHWAY VEHICLE INVOLVED IN AN ACCIDENT RESULTING IN PROPERTY DAMAGE OF FIFTEEN HUNDRED DOLLARS OR MORE OR INJURIES RESULTING IN HOSPITALIZATION OR DEATH, OR SOME PERSON ACTING FOR THE OPERATOR, OR THE OWNER OF THE OFF-HIGHWAY VEHICLE HAVING KNOWLEDGE OF THE ACCIDENT SHALL IMMEDIATELY, BY THE QUICKEST AVAILABLE MEANS OF COMMUNICATION, NOTIFY AN OFFICER OF THE COLORADO STATE PATROL, THE SHERIFF'S OFFICE OF THE COUNTY WHEREIN THE ACCIDENT OCCURRED, OR THE OFFICE OF THE POLICE DEPARTMENT OF THE MUNICIPALITY WHEREIN THE ACCIDENT OCCURRED.

(2) ANY LAW ENFORCEMENT AGENCY RECEIVING A REPORT OF ACCIDENT UNDER THIS SECTION SHALL FORWARD A COPY THEREOF TO THE DIVISION, WHICH SHALL COMPILE STATISTICS ANNUALLY BASED UPON SUCH REPORTS.

(3) WITHIN FORTY-EIGHT HOURS AFTER AN ACCIDENT INVOLVING AN OFF-HIGHWAY VEHICLE, THE ACCIDENT SHALL BE REPORTED TO THE DENVER OFFICE OF THE DIVISION. THE REPORT SHALL BE MADE ON FORMS FURNISHED BY THE DIVISION AND SHALL BE MADE BY THE OWNER OR OPERATOR OF THE VEHICLE OR SOMEONE ACTING FOR THE OWNER OR OPERATOR.

(4) ANY PERSON WHO VIOLATES SUBSECTION (1) OR (3) OF THIS SECTION IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWENTY-FIVE DOLLARS.

**SECTION 11. Effective date - applicability.** This act shall take effect July 1, 1995, and shall apply to acts committed on or after said date. The modified registration fees provided in this act apply to snowmobile and off-highway vehicle registrations for a registration period that begins on or after said date.

**SECTION 12. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 27, 1995